

Message Text

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PAGE 01 IAEA V 03520 010126Z

15

ACTION ACDA-10

INFO OCT-01 IO-13 ISO-00 FEA-01 CIAE-00 INR-07 L-03

NSAE-00 NSC-05 EB-07 NRC-07 OES-06 DODE-00 COME-00

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R 300920Z APR 76

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 7463

INFO USERDA GERMANTOWN

UNCLAS IAEA VIENNA 3520

DEPT PASS IO/SCT

EO 11652: N/A

TAGS: IAEA, TECH, PARM

SUBJ: LOAN OF U.S. SAFEGUARDS EQUIPMENT TO THE IAEA

REF: STATE 095659

1. REFTEL REQUESTED MISSION FORWARD TO AGENCY IG A LETTER OFFERING THE LOAN OF SAFEGUARDS EQUIPMENT AND SETTING FORTH THE CONDITIONS OF THE LOAN. MISSION HAS REVIEWED THIS LETTER AND CONSULTED WITH SECRETARIAT LEGAL STAFF AND SUGGESTS THE FOLLOWING ADDITIONS TO THE LETTER.

2. THE DRAFT LETTER IN REFTEL FOLLOWING PARAGRAPH (6) STATES THAT THE PURPOSE OF THE LOAN RELATES TO SAFEGUARDS CONDUCTED IN CONNECTION WITH THE NPT. MISSION BELIEVES PURPOSE SHOULD RELATE TO SAFEGUARDS BOTH UNDER NPT AND UNDER AGENCY STATUTE AS IS CASE FOR NON-NPT STATES. MISSION SUGGESTS PARAGRAPH BE AMENDED TO READ:

QUOTE: THE PURPOSE OF THIS LOAN IS TO PERMIT THE AGENCY TO TEST, EVALUATE AND CONSULT WITH REPRESENTATIVES OF THE GOVERNMENT OF THE UNITED STATES ON THE UTILITY OF THIS EQUIPMENT FOR THE INTERNATIONAL
UNCLASSIFIED

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PAGE 02 IAEA V 03520 010126Z

SAFEGUARDING RESPONSIBILITIES TO BE PERFORMED BY THE

AGENCY IN CONNECTION WITH THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS AND WITH THE AGENCY'S STATUTE. UNQUOTE.

3. THE CONDITIONS OF THE LOAN LISTED IN REFTEL DO NOT INCLUDE A HOLD-HARMLESS PROVISION WITH RESPECT TO THE USG. SUCH A PROVISION IS INCLUDED IN US GRANTS OF EQUIPMENT TO THE AGENCY UNDER THE TECHNICAL ASSISTANCE PROGRAM AND MISSION BELIEVES A COMPARABLE PROVISION FOR EQUIPMENT LOANS IS DESIRABLE. ACCORDINGLY, MISSION RECOMMENDS AN ADDITIONAL CONDITION TO READ:

QUOTE 6. THAT THE GOVERNMENT OF THE UNITED STATES WILL BE INDEMNIFIED AND HELD HARMLESS BY THE AGENCY AGAINST ANY AND ALL LIABILITIES (INCLUDING THIRD PARTY LIABILITY) ARISING DIRECTLY OR INDIRECTLY FROM THE USE OF THIS EQUIPMENT TO THE SAME EXTENT AS FOR EQUIPMENT GRANTS MADE BY THE UNITED STATES UNDER ARTICLE X OF THE AGENCY'S STATUTE. UNQUOTE

4. ACTION REQUESTED: PLEASE ADVISE OF ACCEPTABILITY OF THESE ADDITIONS.STONE

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NNN

Message Attributes

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